

## Message Text

LIMITED OFFICIAL USE

PAGE 01 BUENOS 08288 191930Z

71

ACTION ARA-10

INFO OCT-01 ISO-00 SCCT-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /058 W

----- 103284

R 191815Z DEC 75

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 3872

LIMITED OFFICIAL USE BUENOS AIRES 8288

E.O. 11652: N/A

TAGS: PINT, PINS, ASEC, AR

SUBJECT: DEFENSE LAW STALLED IN CONGRESS

REF: BA 6713

1. THE NEW DEFENSE LAW, DESIGNED TO GIVE THE ARMED FORCES A FREER HAND IN COMBATING TERRORISM AND SUBVERSION, IS STALLED IN THE SENATE. AFTER PASSING THE CHAMBER OF DEPUTIES LAST MONTH, THE BILL HAS BEEN UNDER CONSIDERATION BY THE SENATE DEFENSE AND CONSTITUTIONAL AFFAIRS COMMITTEES. THE MAIN STUMBLING BLOCK TO RAPID PASSAGE APPEARS TO BE ARTICLE 35 WHICH PROVIDES FOR THE DEATH PENALTY IN "COMBAT ZONES" WHICH ARE UNDER MILITARY JURISDICTION. OPPONENTS OF THE PROVISION, MAINLY RADICALES, WANT ASSURANCES THAT "THE DEATH PENALTY WILL NOT BE APPLIED INDISCRIMINATELY." TO ACHIEVE THIS THE RADICALES HAVE PROPOSED AN AMENDMENT, ALREADY ENDORSED BY THEIR COUNTERPARTS IN THE CHAMBER OF DEPUTIES THAT WOULD SEPARATE THE CIVIL JUDICIARY FROM MILITARY CONTROL AND SUBORDINATION IN THE COMBAT ZONES.

2. AS A RESULT OF THIS DEBATE, PASSAGE OF THE BILL WILL PROBABLY BE DELAYED BEYOND THE END OF THE YEAR. AT BEST IT COULD BE APPROVED ONLY AFTER CONGRESS RETURNS FROM ITS RECESS ON JANUARY 15.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BUENOS 08288 191930Z

3. IN A RELATED DEVELOPMENT THIRD ARMY CORPS COMMANDER LUCIANO MENENDEZ GAVE A PRESS CONFERENCE IN CORDOBA DECEMBER 17 IN WHICH HE STATED CATEGORICALLY THAT "THE DEATH PENALTY IS ALREADY IN FORCE AND IF THE CIRCUMSTANCES WARRANT IT, THIS COMMAND WILL APPLY IT." THE THIRD ARMY CORPS HAS RESPONSIBILITY FOR TEN PROVINCES INCLUDING TUCUMAN, PRESENTLY THE CENTER OF THE GUERRILLA FIGHTING. IN AN OBVIOUS REFERENCE TO THE CONGRESSIONAL DEBATE ON THE DEFENSE LAW, MENENDEZ WARNED THAT PRESENT EFFORTS DO NOT SEEK APPROVAL OF THE DEATH PENALTY BUT RATHER ITS REPEAL. "THE DEATH PENALTY WAS INSTALLED DURING THE FIRST PERON PRESIDENCY AND IN MY OPINION IT SHOULDN'T BE ABOLISHED BECAUSE CONDITIONS NOW ARE MUCH MORE DIFFICULT THAN WHEN CONGRESS SANCTIONED IT IN 1951."

4. COMMENT: MENENDEZ' PRESS CONFERENCE MAY HAVE BEEN A WELL-TIMED DISPLAY OF MILITARY ANNOYANCE AT THE SLOW PACE OF CONGRESSIONAL ACTION ON THE DEFENSE LAW. IN EFFECT, THE DEFENSE LAW WOULD GIVE LEGISLATIVE APPROVAL TO THE EXECUTIVE DECREES ISSUED IN OCTOBER (SEE REFTTEL). THE DECREES ARE IN FORCE; THUS, CONGRESSIONAL RECALCITRANCE IS NOT HOLDING UP MILITARY OPERATIONS. IT HAS, HOWEVER, IRRITATED THE OFFICER CORPS, ESPECIALLY WITH THE RADICALES.  
HILL

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COUNTERINSURGENCY, LAW, POLITICAL MILITARY RELATIONS, UNCONVENTIONAL WARFARE, POLITICAL SITUATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 DEC 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975BUENOS08288  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750442-0821  
**From:** BUENOS AIRES  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19751225/aaaaavpu.tel  
**Line Count:** 84  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 SEP 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 SEP 2003 by ellisoob>; APPROVED <18 DEC 2003 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DEFENSE LAW STALLED IN CONGRESS  
**TAGS:** PINT, PINS, ASEC, AR  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006